Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: MLH MT LLC
   1457 130TH Avenue NE
   Bellevue, WA 98005

2. Type of action: Application to Change a Water Right No. 76M - 30151160

3. Water source name: Groundwater

4. Location affected by project: SE1/4 of Section 13, T14W, R21W, Missoula County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

   MLH MT LLC proposes to change the purpose and place of use for water rights: 76M 118481, 76M 118483, 76M 118507, 76M 118509.
   The purpose will change from industrial or power generation to marketing for mitigation. The applicant will no longer divert water from existing Well nos 4 and 5, (Mill Well Field). The proposed change in water use will provide up to 754.0 GPM (1.68 CFS) and 1,216.4AF of mitigation water to the Clark Fork River, offsetting adverse effects from new consumptive uses on downstream hydropower water rights and non-hydropower rights, from the mitigation delivery point on the Clark Fork River in the SE1/4 of Section 36, T14N, R21W, Missoula County to Noxon Rapids Dam Powerhouse in the S2S2 of Section 33, T26N, R32W, Sanders County.

   The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife and Parks	2005 Dewatered Stream List
Montana Department of Environmental Quality	303(d) list of impaired streams

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No impact – the source is groundwater

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No impact - the source is groundwater

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No significant impacts – Well no. 4 and 5 (Mill Well Field) will no longer be used, water historically pumped from the groundwater aquifer and consumed will remain in the groundwater aquifer, which is tributary to the Clark Fork River. The retirement of the historical consumption will offset future depletions in the reach of the Clark Fork River.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No impact - This proposal is to mitigate future predicted depletions to the Clark Fork River from the use of groundwater by retiring the use of 2 existing wells. No diversion will occur.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No significant impact

The project site consists of 2 wells that have been in existence for decades. The wells will no longer be pumped, it is unlikely that any additional impacts will occur as a result of this change application.

The Montana Natural Heritage (MNH) database was queried to determine if any threatened or endangered species, or species of special concern are located in the project vicinity. According

to MNH, the following sensitive species were identified as occurring in the same township and range as the proposed project site: Western Toad, Lewis's Woodpecker, Great Blue Heron, Evening Grosbeak, Clark's Nutcracker, Pileated Woodpecker, Cassin's Finch, Black-necked Stilt, Bobolink, West slope Cutthroat, Trout, Bull Trout, Grizzly Bear, Long-legged Myotis, Townsend's Big-eared Bat, Long-eared Myotis, Little Brown Myotis, Fisher, Hoary Bat, Western Skink. Sensitive species found occurring in streams in the Missoula Valley, such as Westslope Cutthroat Trout and Bull Trout should not be impacted by the applicant's proposed discontinuation of pumping groundwater.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: N/A - the proposed project does not create or impact any wetlands.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: N/A – there are no ponds associated with the proposed project

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: N/A – the existing wells have been in existence for decades. Soil stability, quality and moisture content would not change as a result of the project.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: N/A – existing vegetation cover would not change as a result of the project.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No significant impact – the existing wells will no longer be used.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A – project not located on State or Federal Lands

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No significant impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No significant impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No significant impacts – The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is located on privately owned land.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No significant impacts

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No significant impact

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) *Cultural uniqueness and diversity?* None identified

(*b)* *Local and state tax base and tax revenues?* None identified

(c) *Existing land uses?* None identified

(*d)* *Quantity and distribution of employment?* None identified

(e) *Distribution and density of population and housing?* None identified

(f) *Demands for government services?* None identified

(g) *Industrial and commercial activity?* None identified

(h) *Utilities?* None identified

(i) *Transportation?* None identified

(j) *Safety?* None identified

(k) *Other appropriate social and economic circumstances?* None identified

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts --- None identified

Cumulative Impacts --- None identified

3. ***Describe any mitigation/stipulation measures:*** None identified

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***
There are no other reasonable alternatives to the proposed project.

PART III. Conclusion

1. ***Preferred Alternative*** *None identified*

2 ***Comments and Responses***

3. ***Finding:***
*Yes___ No_**X**__ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: An EA is the appropriate level of analysis for this proposed action because no significant impacts have been identified as a result of the proposed action

Name of person(s) responsible for preparation of EA:

Name: Kathy Schubert
Title: Water Resource Specialist, Missoula Regional Office
Date: November 30, 2022